

sembly heretofore passed, restricting the said company from proceeding with the constructing of its rail road in the valley of the Potomac river above Harper's Ferry, until after the Chesapeake and Ohio Canal Company shall have finished its canal to Cumberland, or otherwise, or the time limited by law for its being completed to said town shall have elapsed, as imposes said restrictions, or is inconsistent with the provisions of this act, shall be null and void, and the said rail road company may thenreofth proceed with the construction of its work, pari passu with, but without preceding the construction of the said canal or its works in the said valley, where the said rail road and canal, or their works, will be in juxt-position: and, at all the passes of said river where the said canal and rail road must, from the nature of the ground, be brought into contact, the construction of said canal and rail road shall proceed jointly upon such plan, and for such a distance, as the commissioners, whose appointment is herein after provided for, shall determine: *Provided*, That, if either of said companies shall neglect or refuse to proceed with its portion of said joint construction, for the space of sixty days after the plan thereof shall have been so determined, and notice thereof given to them by said commissioners, it shall be lawful for the other of said companies to proceed, independently, to construct its work upon the site designated by said commissioners: *Provided*, That in no instance shall the plan, adopted by said commissioners for the joint construction of the two works, require a reduction of the width of the canal below the minimum width required by the charter of said Chesapeake and Ohio Canal Company.

Sec. 2. *And be it enacted*. That in the joint construction of said two works at the difficult passes aforesaid, the commissioners shall provide that the said canal and works shall be constructed securely, and, in no case, at any more expense, to said canal company than such part or parts of its canal or works would have cost if the same had been separately or independently constructed: and such cost shall be determined by the estimates of said commissioners.

Sec. 3. *And be it enacted*, That there shall be a Board of Commissioners appointed immediately upon said act